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REMARKS

Claim 15 has been amended to correct its dependency. Claims 1, 3, 4, 7, and 8 have been amended to refer to installation of a digital file rather than uploading or loading of digital data. Support for reference to digital file is found for example at page 4 line 19 of the description. Support for installation of a digital file is found for example at page 7 lines 1 to 4, in which purchase of software and installation of software revisions is discussed. Claims 1 to 15 remain in the application.

The Examiner has objected to the drawings on the grounds that the drawings contain illegible text. Formal drawings were filed with the USPTO on June 28, 2002, and these were acknowledged as being received by the USPTO on July 1, 2002. From the Office Action summary, the Examiner appears to be referring to drawings which were on file before the formal drawings were submitted.

The Examiner has rejected claims 1 to 3, 7, 11, 12, and 15 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2002/0077988 by Sasaki *et al.* The method recited in amended claim 1 includes verifying the target identifier before the embedded system is enabled to install said digital file on the embedded system. This is an element not taught by Sasaki.

Installation of a digital file has a different meaning from loading of digital data in the context of digital information. While data may be loaded in the system taught by Sasaki, it is used simply as data to be used by another application. Installing of a digital file implies a change in executable applications on a system.

In any event, Sasaki does not teach the installing of a digital file following verification of a target identifier. With reference to Figure 6 and paragraph [0044], Sasaki teaches that a user identifier stored in memory of the device is compared with a user identifier embedded in a content header, and if the user identifiers match then the digital content is rendered. Sasaki is teaching a way to restrict playback of content, but not to restrict installation of the digital file on the device. The digital content is loaded onto the device regardless, and only playback of the content is restricted.

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With reference to Figure 7 and paragraph [0045], Sasaki teaches that a user identifier stored in memory is compared with a user identifier embedded in a content header, and if the user identifiers match then the device is authorized to transmit the digital content. Sasaki is teaching a way to authorize transmission of content from a device based on the identification of the transmitting device, but not to restrict installation of the digital file on the device. The digital content is already loaded on to the device.

With reference to Figure 8 and paragraph [0047], Sasaki teaches that an identifier of the digital content is compared with identifiers of licensed digital content stored in memory in order to enable rendering of the digital content. Sasaki explicitly states that "the resulting transfer file is transmitted to the portable media player", before a comparison of content identifiers. With reference to this embodiment, Sasaki makes no mention of the user device identifier. Sasaki is teaching a way to authorize playback of digital content already stored on a device, such authorization being based on content identifiers and not on user device identifiers.

In summary, Sasaki does not teach verifying a target identifier before an embedded system is enabled to install a digital file, the target identifier corresponding to the embedded system.

Similarly, the system recited in amended claim 7 includes verifying means to verify the target state header before the files are installed on the embedded system.

Claim 3 has been amended to reflect application of the claims to digital files rather than digital data.

Claims 2, 3, 11, 12, and 15 are variously dependent on claims 1 and 7, and include the same limitations discussed above. Since Sasaki does not teach every element of the claims, the Applicant respectfully submits that claims 1 to 3, 7, 11, 12, and 15 are not anticipated by Sasaki.

The Examiner has rejected claims 4 to 6 under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of U.S. Patent 6,401,206 to Khan *et al.* Claim 4 has been amended to include verifying the digital signature and the target identifier before

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the embedded system is enabled to install the digital file on the embedded system. As discussed above, verifying authenticity before installation of a digital file on to an embedded system is not a feature disclosed by Sasaki. This feature is also not a feature disclosed by Khan. The Applicant therefore respectfully submits that claims 4 to 6 are therefore not obvious in view of Sasaki and Khan.

Furthermore, the Applicant respectfully submits that a person skilled in the art would not have been motivated to combine the teachings of Sasaki and Khan in order to arrive at the solution presented by the present claims. Sasaki teaches a system implemented by a content provider to ensure that digital files are played back only on authorized devices. The entire motivation of Sasaki is to provide the content provider, which may be analogous to the source system of present claims 1, with a means of controlling which devices can playback digital content. Neither the owner of a playback device nor the content provider would have any interest in whether the digital content is digitally signed by the content provider as taught by Khan.

In contrast, claim 4 of the present application allows an embedded system to ensure that a received digital file is from an legitimate source and is intended for the embedded system. This is important as it allows the embedded system to install digital files with the confidence that the file as received is the correct file to install. Claim 4 of the present application recites a method intended to protect the integrity of the embedded system. Sasaki recites a system for protecting the copyrights of the sender. These are different motivations, and the Applicant therefore respectfully submits that a person skilled in the art would not think to add a digital signature as taught by Khan to the digital content sent by Sasaki.

The Examiner has rejected claims 8 to 10 and 13 under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Khan. Claims 8 to 10 and 13 are dependent on claim 7 and include the same limitations discussed above. Neither Sasaki nor Khan teach the feature of installing a file onto an embedded system. The Applicant therefore respectfully submits that claims 8 to 10 and 13 are not obvious in view of Sasaki and Khan.

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The Examiner has rejected claim 14 under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of U.S. Patent 6,169,976 issued to Colosso. Claim 14 is dependent on claim 7 and includes the same limitations discussed above. The Applicant submits that this element is not taught by Sasaki or Colosso, and that claim 14 is therefore not obvious in view of Sasaki or Colosso.

In view of the foregoing, it is believed that the claims at present on file and as amended herein are in condition for allowance. Reconsideration and action to this end is respectfully requested.

Respectfully submitted,



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